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7 Honorable Marc L. Barreca  
8 Chapter 7  
9 Hearing Location: Seattle, Rm. 7106  
10 Hearing Date: February 1, 2024  
11 Hearing Time: 9:30 a.m.  
12 Response Date: January 25, 2024

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17 UNITED STATES BANKRUPTCY COURT  
18 WESTERN DISTRICT OF WASHINGTON  
19 AT SEATTLE

20 In re:  
21 ASSET REALTY LLC

22 Debtor.

23 Case No. 23-10326-MLB

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26 **AMENDED NOTICE OF HEARING ON  
MOTION OF CENTURY 21 REAL  
ESTATE LLC FOR (A) RELIEF FROM  
AUTOMATIC STAY FOR AUTHORITY  
TO TERMINATE FRANCHISE  
AGREEMENT AND/OR PURSUE STATE  
COURT REMEDIES; AND (B)  
AUTHORIZING THE TRUSTEE TO  
SURRENDER CENTURY 21'S  
COLLATERAL TO CENTURY 21 OR ITS  
DESIGNEE**

27  
28 TO: ASSET REALTY LLC, Debtor;  
29 AND TO: JAMES E. DICKMEYER, Attorney for Debtor;  
30 AND TO: UNITED STATES TRUSTEE;  
31 AND TO: CREDITORS AND PARTIES IN INTEREST ON OFFICIAL MAILING MATRIX

32  
33 PLEASE TAKE NOTICE that a hearing has been scheduled, subject to court approval, on  
34 **February 1, 2024, at 9:30 a.m. (PT)** before the Honorable Marc L. Barreca, United States  
35 Bankruptcy Judge, in Courtroom 7106, 700 Stewart Street, Seattle, WA, 98101 on the Motion of  
36 Century 21 Real Estate LLC ("C21") for Relief from Automatic Stay (the "Motion").

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38 Prior to conversion, the Debtor conducted operations as a real estate brokerage and was  
39 licensed to operate as a Century 21® real estate office pursuant to a Franchise Agreement<sup>1</sup> between

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1 the parties. The Franchise Agreement, *inter alia*, authorized the Debtor to use and/or display certain  
2 protected intellectual property of C21 including the Century 21 Marks and Century 21 System. As a  
3 result of the recent conversion of this case to a proceeding under Chapter 7, the Debtor has no ability  
4 to continue operations. Additionally, because the Franchise Agreement is personal to the Debtor, the  
5 Trustee does not succeed to any rights thereunder.

6 C21 is also secured creditor herein. The Debtor's obligations to C21 are secured pursuant to  
7 an executed Security Agreement and duly perfected by the filing of appropriate UCC-1 filings and  
8 continuation statements. The Security Agreement and UCC filings define the collateral to include "all  
9 accounts, accounts receivables, contract rights, leases, furniture, furnishings, equipment, fixtures, ...  
10 chattel paper, instruments, documents, letters of credit, all funds on deposit with any financial  
11 institution, **commissions, real estate listings, listing Agreements and related rights** located at or  
12 related to the residential real estate brokerage business conducted by Franchisee and **including its**  
13 **proceeds and products** ... (the "C21 Collateral").

14 By this Motion, C21 respectfully requests, *inter alia*, that the Court enter an order (a) granting C21 relief from the automatic stay to terminate the Franchise Agreement and/or to pursue its rights as to its collateral under state law; (b) determining that C21 holds a valid and perfected first priority lien and security interest in all of the currently pending real estate listings and listing agreements, as well as all commissions and proceeds thereof in the possession of the Debtor as of the conversion of the case; (c) determining that no other person or entity holds a security interest in any of the C21 Collateral; (d) authorizing the Chapter 7 Trustee to immediately surrender collateral (or the proceeds of collateral) to C21 or its designee; and (e) for such other relief as the Court may deem just and proper.

15 PLEASE TAKE FURTHER NOTICE that copies of the Motion and related documents may be (1) reviewed and copied at the Clerk of the United States Bankruptcy Court, 700 Stewart Street, Seattle, WA 98101 or (2) may be obtained by submitting a written request to Ms. Denise Lentz, Paralegal, K&L Gates, LLP, 925 Fourth Avenue, Suite 2900, Seattle, WA 98104-1158, Email: denise.lentz@klgates.com.

16 PLEASE TAKE FURTHER NOTICE THAT IF YOU OPPOSE the Motion, you must file  
17 your objection NO LATER THAN **Thursday, January 25, 2024**. Objections must be filed with the  
18 Court, 700 Stewart Street, Seattle, WA, 98101, and a copy delivered to:

19  
20  
21 K&L Gates, LLP  
22 Daniel M. Eliades  
23 One Newark Center, Tenth Floor  
24 Newark, NJ 07102  
25 Email: Daniel.Eliades@klgates.com

26 PLEASE TAKE FURTHER NOTICE that in accordance with Local Bankruptcy Rule 9013-1(d)(7), failure to timely file and serve an objection to the Motion may be deemed by the Court an admission that any opposition to the Motion is without merit. Further, pursuant to Local Bankruptcy Rule 9013-1(e), failure to appear at the hearing on the Motion may be deemed by the Court to be an

AMENDED NOTICE OF HEARING ON MOTION OF  
CENTURY 21 REAL ESTATE LLC FOR RELIEF FROM  
AUTOMATIC STAY - 2  
317518336.1

K&L GATES LLP  
ONE NEWARK CENTER  
TENTH FLOOR  
NEWARK, NEW JERSEY 07102  
TELEPHONE: (973) 848-4000  
FACSIMILE: (973) 848-4001

admission that any opposition to the Motion is without merit. Further, pursuant to Local Bankruptcy Rule 9013-1(f), if no opposition to the Motion is timely filed and served, the Court may either (a) grant the Motion by default at the hearing, or (2) grant the Motion prior to the hearing on the Trustee's ex parte presentation of a proposed order accompanied by proof of service and a declaration that no objection to the Motion was timely received.

DATED this 5th day of January, 2024.

K&L GATES LLP

/s/ *Daniel M. Eliades*

Daniel M. Eliades, WSBA #54991  
One Newark Center, Tenth Floor  
Newark, NJ 07102  
Telephone: (973) 848-4000  
Email: Daniel.Eliades@klgates.com

*Attorneys for Century 21 Real Estate LLC*

AMENDED NOTICE OF HEARING ON MOTION OF  
CENTURY 21 REAL ESTATE LLC FOR RELIEF FROM  
AUTOMATIC STAY - 3  
317518336.1

K&L GATES LLP  
ONE NEWARK CENTER  
TENTH FLOOR  
NEWARK, NEW JERSEY 07102  
TELEPHONE: (973) 848-4000  
FACSIMILE: (973) 848-4001

1  
**CERTIFICATE OF SERVICE**

2  
The undersigned declares as follows:

3  
That she is a paralegal in the law firm of K&L Gates LLP, and on January 5, 2024, she  
4  
caused the foregoing document to be filed electronically through the CM/ECF system which caused  
5  
Registered Participants to be served by electronic means, as fully reflected on the Notice of  
6  
Electronic Filing.

7  
I declare under penalty of perjury under the laws of the State of Washington and the United  
8  
States that the foregoing is true and correct.

9  
Executed on the 5th day of January, 2024 at Seattle, Washington.

10  
/s/ *Denise A. Lentz*

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Denise A. Lentz

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AMENDED NOTICE OF HEARING ON MOTION OF  
CENTURY 21 REAL ESTATE LLC FOR RELIEF FROM  
AUTOMATIC STAY - 4  
317518336.1

K&L GATES LLP  
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TENTH FLOOR  
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